Oliver & Burr (1903), 69 N. J. L. 357. For a discussion of the position of the United States Supreme Court on the fellow servant doctrine, see 3 MICH. LAW REV. 78. See also 2 MICH. LAW REV. 492, 638.

CONSPIRACY—RECOVERY AGAINST ONE ALONE.—Plaintiff's agent and another conspired to defraud her of her property; by their fraudulent representations, she was induced to exchange her valuable farm for certain worthless equities owned by her agent's co-conspirator. In an action against the two wrong-doers, a verdict was found against the owner of the equities alone. *Held,* that the verdict against the single defendant could not be sustained since the conspiracy was the foundation of the right of action. *Evans* v. *Freeman et al.* (1906), — C. C. E. D. Pa. —, 140 Fed Rep. 419.

In a civil action, unlike a criminal prosecution, for conspiracy, it is the damage resulting and not the conspiracy which is the gist of the action. "It is seldom, if ever, however, that a case can occur in which a man may not have redress without counting on the joint wrong; for the injury accomplished by means of the conspiracy may be treated as a distinct wrong in itself, irrespective of the steps that led to it." COOLEY ON TORTS (2nd Ed.) 143. That the proposition as laid down above is not without its limitations is well illustrated by the principal case: It was clearly pointed out by the court that, unless the conspiracy be made out, the agent's knowledge must be imputed to his principal and therefore that actionable fraud would not be shown against either of the defendants, since the plaintiff having knowledge of the facts, did not, in contemplation of law, rely on, nor was she induced to part with her property by the fraudulent representations. So in the case of *Collins* v. *Cronin,* 117 Pa. St. 35, it was necessary, as a condition precedent to the right of recovery, to make out the conspiracy. However, the general rule is as above stated by JUDGE COOLEY. *Laverty* v. *Vanarsdale,* 65 Pa. St. 507; *Hutchins* v. *Hutchins,* 7 Hill. 104.

CONSTITUTIONAL LAW—COUNTY TAXES—STATUTORY LIMITATION—IMPAIRMENT OF CONTRACTS.—A statute empowered the county commissioners to make certain levies at specified rates, and further authorized a levy for the county sinking fund of an amount sufficient to pay one year's interest on bonded indebtedness, and not to exceed fifteen per cent of the principal. A proviso at the end of the fifth provision of the statute read: "Provided, that the total county tax rate shall not exceed in any one year, the sum of eight mills on the dollar, for *all* purposes." The commissioners of the defendant county made a total tax levy of twenty and one-half mills on the dollar, including a nine mill sinking fund levy. Claiming these levies exceeded statutory limitations, the plaintiff paid all its other taxes and nine mills on each dollar of its assessed property as county taxes, and brought this action to restrain the collection of any further sum. *Held,* such statute is unconstitutional, in that it makes it possible for a county to evade the liquidation and payment of interest on its bonded indebtedness, and thereby impair the obligation of its contracts. *Fremont, E. and M. V. Ry. Co.* v. *Pennington County et al.* (1905), — So. Dak. —, 105 N. W. Rep. 929.